

Senate Bill No. 1092

Passed the Senate July 7, 2005

Secretary of the Senate

Passed the Assembly July 5, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 61014.5, 61029.5, 61111.1, and 61200.2 to the Government Code, relating to community services districts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1092, Maldonado. Community services districts: East Garrison.

Existing law provides that the people of any unincorporated territory may petition the board or boards of supervisors for the formation of a community services district to provide various services, and that a proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county or city that contains territory proposed to be included in the district.

This bill would provide that in the case of the proposed formation of the East Garrison Community Services District in Monterey County if the local agency formation district finds that the affected territory contains no registered voters and no landowners that are not public agencies, the commission may dispense with an election, order the board of supervisors to adopt a specified resolution, and designate the members of the initial board of directors of the district. The bill would also provide that the board of directors of the district shall be the Board of Supervisors of Monterey County until conversion to a directly elected board of directors pursuant to a specified procedure.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 61014.5 is added to the Government Code, to read:

61014.5. Notwithstanding Section 61014, in the case of the proposed formation of the East Garrison Community Services District, if the Local Agency Formation Commission of Monterey County finds that the affected territory contains no

registered voters and no landowners that are not public agencies, the Local Agency Formation Commission of Monterey County may, as a term and condition of approving the formation, dispense with an election, complete the proceedings for the formation of the East Garrison Community Services District, and order the Board of Supervisors of the County of Monterey to designate the members of the initial board of directors pursuant to Section 61029.5.

SEC. 2. Section 61029.5 is added to the Government Code, to read:

61029.5. (a) Notwithstanding any other provision of this division, the Board of Directors of the East Garrison Community Services District shall be the Board of Supervisors of the County of Monterey, until conversion to a directly elected board of directors.

(b) The Board of Supervisors of the County of Monterey shall adopt a resolution, placing the question of having an elected board of directors on the ballot when any of the following occurs:

(1) When the registrar of voters certifies in writing that the number of voters in the East Garrison Community Services District has reached or exceeded 500.

(2) When the registrar of voters certifies in writing that the number of voters in the East Garrison Community Services District has reached or exceeded a lower number specified by the Local Agency Formation Commission of Monterey County as a term and condition of approving the formation of the East Garrison Community Services District.

(3) Ten years after the effective date of the East Garrison Community Services District's formation.

(4) The Local Agency Formation Commission of Monterey County has required, as a term and condition of approving the formation of the East Garrison Community Services District, placing the question of having an elected board of directors on the ballot in less than 10 years after the effective date of the East Garrison Community Services District's formation.

(c) At the election, the voters shall also elect members to the East Garrison Community Services District's Board of Directors. Those persons shall take office only if a majority of the voters voting upon the question of having an elected board are in favor of the question.

(d) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of the election and ballot shall contain a statement of the question.

SEC. 3. Section 61111.1 is added to the Government Code, to read:

61111.1. Notwithstanding Section 61111, in the case of the proposed formation of the East Garrison Community Services District, if the Local Agency Formation Commission of Monterey County finds that the affected territory contains no registered voters and no landowners that are not public agencies, the Local Agency Formation Commission of Monterey County may, as a term and condition of approving the formation, dispense with an election and order the Board of Supervisors of the County of Monterey to adopt the resolution required pursuant to Section 61117, and designate the members of the initial board of directors pursuant to Section 61200.2.

SEC. 4. Section 61200.2 is added to the Government Code, to read:

61200.2. (a) Notwithstanding any other provision of this division, the Board of Directors of the East Garrison Community Services District shall be the Board of Supervisors of the County of Monterey, until conversion to a directly elected board of directors.

(b) The Board of Supervisors of Monterey County shall adopt a resolution, placing the question of having an elected board of directors on the ballot when any of the following occurs:

(1) When the registrar of voters certifies in writing that the number of voters in the district has reached or exceeded 500.

(2) When the registrar of voters certifies in writing that the number of voters in the East Garrison Community Services District has reached or exceeded a lower number specified by the Local Agency Formation Commission of Monterey County as a term and condition of approving the formation of the East Garrison Community Services District.

(3) Ten years after the effective date of the East Garrison Community Services District's formation.

(4) The Local Agency Formation Commission of Monterey County has required, as a term and condition of approving the formation of the East Garrison Community Services District, placing the question of having an elected board of directors on the ballot in less than 10 years after the effective date of the East Garrison Community Services District's formation.

(c) At the election, the voters shall also elect members to the East Garrison Community Services District's Board of Directors. Those persons shall take office only if a majority of the voters voting upon the question of having an elected board are in favor of the question.

(d) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

SEC. 5. (a) If Senate Bill 135 of the 200-06 Regular Session is chaptered and takes effect on or before January 1, 2006, and that bill, as enacted, repeals and adds Division 3 (commencing with Section 61000) of Title 6 of the Government Code:

(1) Sections 3 and 4 of this bill shall remain in effect only until January 1, 2006, and as of that date are repealed.

(2) Sections 1 and 2 of this bill shall become operative on January 1, 2006.

(b) If Senate Bill 135 of the 2005-06 Regular Session is not chaptered, or, as chaptered, that bill does not repeal and add Division 3 (commencing with Section 61000) of Title 6 of the Government Code, then Sections 1 and 2 of this bill shall not become operative.

SEC. 6. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the East Garrison area of the County of Monterey. The facts constituting the special circumstances are:

The property in the East Garrison area of the County of Monterey is part of the former Fort Ord which has been designated by the basewide Fort Ord Reuse Plan and by the County of Monterey Redevelopment Agency Redevelopment

Plan for the Fort Ord Redevelopment Project Area. This property is to be conveyed from the United States to the Fort Ord Reuse Authority and then from the Fort Ord Reuse Authority to the Redevelopment Agency of the County of Monterey for redevelopment. To assure that adequate levels of public facilities and services will be available to the East Garrison area, the Board of Supervisors of the County of Monterey intends to form a community services district. The provisions of this act are necessary to provide an orderly and financially sound transition from the conditions that currently exist in the East Garrison area to a redeveloped urban community.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Federal officials are likely to transfer title to the East Garrison area of the former Fort Ord to the Fort Ord Reuse Authority before the end of 2005. In order to ensure an orderly transition of tenure and to avoid disinvestment that would threaten the public peace, health, or safety, it is essential for this act to take effect immediately.

Approved _____, 2005

Governor